



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 552-6020 • FAX: (406) 327-2105
EMAIL: attorney@ci.missoula.mt.us

SENATE JUDICIARY
Exhibit No. 29
Date 2-20-07
Bill No. SB 486

February 20, 2007

Chairman Laslovich and Honorable Members of the Senate Judiciary Committee:

On behalf of the City of Missoula I am asking you to please vote Do Pass on Senate Bill 486 to add the words "or purposely or knowingly causes reasonable apprehension of serious bodily injury in another" to Montana's aggravated assault statute.

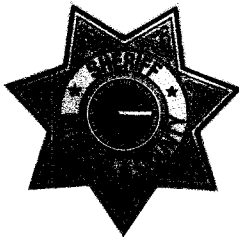
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The amendment to the aggravated assault statute will clarify the law that causing a person to suffer a reasonable apprehension of serious bodily injury is an aggravated assault. S. B. 486 will correct the aggravated assault statute so it is consistent with the other assault statutes under Montana law. S. B. 486 will allow law enforcement to investigate cases where serious bodily injury is only narrowly averted as an aggravated assault.

Please vote Do Pass on Senate Bill 486.

Sincerely,

Judith Wang
Assistant City Attorney



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200 W. Broadway
Missoula, MT 59802

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Captain
Uniformed Patrol Division
Missoula County Sheriff's
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Senate Bill 486 contains a much needed change for Montana. Under the current law, a victim can be terrified that he/she will be seriously injured, perhaps maimed but the offense is only charged as a misdemeanor level assault. I have responded to many strangulation calls. In strangulation, the line between injury and death is very slight. Under current law, offenders who assault by strangulation are generally charged with a misdemeanor. Other Montana laws which cover assaults prohibit and punish both an assault and a threatened assault, which is credible. Our aggravated assault law punishes offenders who cause serious bodily injury but fails to address an offender who credibly and convincingly threatens a victim with serious bodily injury. Senate Bill 486 will appropriately address this gap in our criminal law.

Please vote to pass and enact Senate Bill 486.

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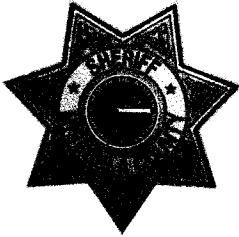
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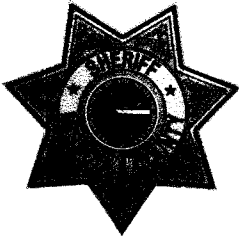
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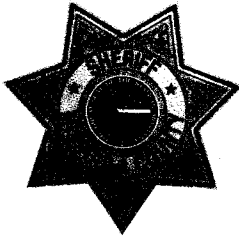
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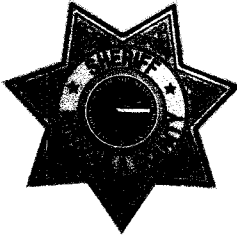
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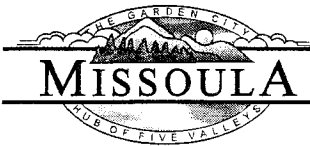
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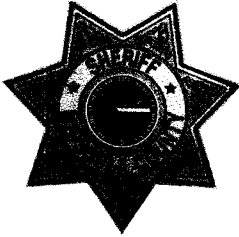
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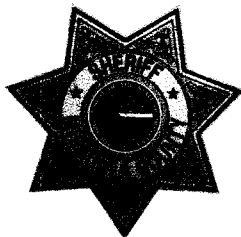
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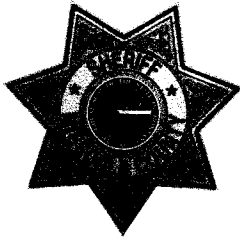
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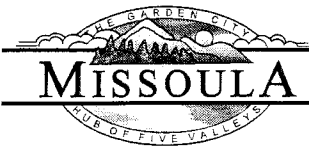
I have been a Law Enforcement Officer for more than 34 years. I was an officer with the Missoula Police Department for a little over 20 years. I then moved to the Missoula County Sheriff's Department and I currently command the Uniformed Patrol Division of the Missoula County Sheriff's Department. The first 31 years of my career was spent in uniform and on the road as a patrol officer and first responder. I have responded to and handled hundreds, and more likely to thousands of assault calls.

Senate Bill 486 contains a much needed change for Montana. Under the current law, a victim can be terrified that he/she will be seriously injured, perhaps maimed but the offense is only charged as a misdemeanor level assault. I have responded to many strangulation calls. In strangulation, the line between injury and death is very slight. Under current law, offenders who assault by strangulation are generally charged with a misdemeanor. Other Montana laws which cover assaults prohibit and punish both an assault and a threatened assault, which is credible. Our aggravated assault law punishes offenders who cause serious bodily injury but fails to address an offender who credibly and convincingly threatens a victim with serious bodily injury. Senate Bill 486 will appropriately address this gap in our criminal law.

Please vote to pass and enact Senate Bill 486.

Respectfully,

A handwritten signature in black ink, appearing to read "C.C. Ibsen", written over a horizontal line.



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 552-6020 • FAX: (406) 327-2105
EMAIL: attorney@ci.missoula.mt.us

February 20, 2007

Chairman Laslovich and Honorable Members of the Senate Judiciary Committee:

On behalf of the City of Missoula I am asking you to please vote Do Pass on Senate Bill 486 to add the words "or purposely or knowingly causes reasonable apprehension of serious bodily injury in another" to Montana's aggravated assault statute.

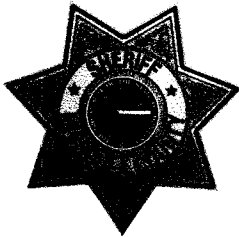
This bill is needed to allow prosecutors to handle cases where serious bodily injury is threatened but due to luck or fast reaction the victim does not suffer serious bodily injury.

The amendment to the aggravated assault statute will clarify the law that causing a person to suffer a reasonable apprehension of serious bodily injury is an aggravated assault. S. B. 486 will correct the aggravated assault statute so it is consistent with the other assault statutes under Montana law. S. B. 486 will allow law enforcement to investigate cases where serious bodily injury is only narrowly averted as an aggravated assault.

Please vote Do Pass on Senate Bill 486.

Sincerely,

Judith Wang
Assistant City Attorney



Missoula County Sheriff's Dept
200 W. Broadway
Missoula, MT 59802

C.C. Ibsen
Captain
Uniformed Patrol Division
Missoula County Sheriff's
Department

(406) 258-3312

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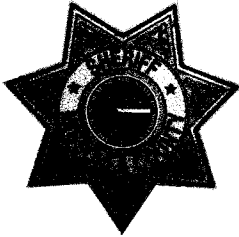
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